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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,621	07/25/2001	Seisaku Iwasa	IS-US000501	3456

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EXAMINER

STASHICK, ANTHONY D

ART UNIT	PAPER NUMBER
3728	

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/911,621	IWASA ET AL.	
	Examiner	Art Unit	
	Anthony D Stashick	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5 and 7-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5 and 7-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-10 and 12-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichental et al. '406 in view of Kreager 4,517,790. Reichental et al. '406 discloses all the limitations substantially as claimed including the following: form-fill-seal machine (see Figure 1); a first transfer unit (44, 45) for transferring the separated bags to another (second) transfer-unit (M, 82); provided downstream; a first drive unit (46, 47) for driving the first transfer unit; a control unit (computer with hardware and software including electric motor, drive belt, etc., see col. 7, line 66-col. 8, line 7); for controlling the first transfer unit (including speed of transfer unit if desired); the control unit controls speed of transfer unit; first transfer unit is a belt; the first transfer unit comprises two belts (44, 45) holding each of the bags sandwiched between them (see Figure 3); means for changing the distance between the two belts (see col. 6, lines 35-38 and col. 8, lines 1-7) with the control unit able to control the distance between the two belts; second transfer unit (M, 82) for receiving, transferring, and ejecting the bags transferred from the first transfer unit (see Figure 15); the second transfer unit is a belt (Figure 15, reference 82) with a guide bar (shown in Figure 15 with bags located between them) approximately orthogonal to the direction of transfer. Reichental et al. '406 does not disclose or teach the belt of the first transfer unit being inclined moving diagonally downward or the bent transfer passage or a forming means for forming the packaging material into a tubular shape. Kreager '790 teaches that a form-fill-seal machine that seals tube can have a first transfer unit with the belt of the first transfer unit inclined

Art Unit: 3728

(see Figure 1) so as to move the sealed packages to a second staging section next to the form-fill-seal machine. Henceforth, with such inclination, the bags would move diagonally downward shifting from a vertical to a slanted direction. Kreager '790 also teaches that the transfer passage can be bent and therefore move the packages in an inclined direction (see Figure 1 with respect to 44, 56 and 60). Furthermore, Kreager '790 teaches that the supply material to a packaging machine can be formed into a tubular shape by forming means (funnel 12). Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to slant the first transfer unit of Reichental et al. '406, as taught by Kreager '790, to move the packages to a second staging section next to the form-fill-seal machine and to bend the transfer passage to move the packages in an inclined direction. It also would have been obvious to place a forming funnel, such as that shown in Kreager '790 at the end of the feed of Reichental et al. '406 to aid in forming the package of the material to be placed within. With respect to claims 14-19 and 28-30, since a computer includes memory that can hold and control many different machine parts, it would have been obvious to have the computer of Reichental et al. '406 control any moving mechanisms of the form-fill-seal machine and to store and display such data to the user of the machine.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as modified and applied to claim 7 above in view of Mabry 4,719,741. The references as modified and applied to claim 7 above disclose all the limitations of the claim except for the machine including a cooling unit for spraying cooling gas on the sealed part of each of the bags sandwiched between the belts. Mabry '741 teaches that after heat-sealing the bags in a form-fill-seal machine, a cool spray can be applied to the seal to cool the seal to increase the seal strength and reduce the likelihood of leakage or total failure of the seal (see col. 4, lines 30-53). Therefore, it would have been obvious to place a cooling spray, such as that taught in Mabry'741, in the machine of the references as modified and

Art Unit: 3728

applied above, to cool the seal, increase the seal strength and reduce the likelihood of leakage or total failure of the seal.

Response to Arguments

4. Applicant's arguments filed December 3, 2002 have been fully considered but they are not persuasive. Applicant argues that neither Reichental et al. '406 nor Kreager '790 discloses that the traveling speed of the first transfer unit is equivalent to or higher than the speed at which the bags are transferred to the first transfer unit. This argument is not clearly understood. If the bags in either Kreager '790 or Reichental et al. '406 were transferred by the first transfer unit any speed less than that to which the bags are transferred to the first transfer unit, there would be a log-jam or a bunching up of the bags and the entire transfer system would not work properly. Therefore, since the idea is to keep the bags moving forward and run a continuous process, the speed of the first transfer unit must be at least the same as that of the speed to which the bags are transferred to the control unit. With respect to applicant's arguments that Reichental et al. '406 does not disclose *how* the speed of the belts is controlled, this argument is also not clearly understood. Reichental et al. '406 clearly states that the flow of the materials (i.e. speed) and various other electrical signals required are controlled by the appropriate hardware and software illustrated by the computer console and the control panel. Therefore, since the computer hardware and software control the speed of the materials, it must control the speed of the belts, which carry the materials. With respect to applicant's arguments that claim 1 requires that the bags be separated before they are ejected to the first transfer unit, this argument is not clearly understood. It appears that applicant is arguing more than that which is claimed in claim 1. Claim 1 only requires that the transfer unit transfers the separated bags to the downstream device. There is no limitation in claim 1 that the bags have to be separated first before they are ejected to the first transfer unit.

Art Unit: 3728

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, email CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Stashick whose telephone number is 703-308-3876. The examiner can normally be reached on Tuesday through Friday from 8:30 am until 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this

Art Unit: 3728

application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Informal Fax for 3728	(703) 308-7769

If the information desired is not provided above, or has been changed, please do not call the examiner (this is the latest information provided to him) but the general information help line below.

Information Help line 1-800-786-9199
Internet PTO-Home Page <http://www.uspto.gov/>



Anthony D Stashick
Primary Examiner
Art Unit 3728

ADS
February 22, 2003